

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA**

George C. Young United States Courthouse  
and Federal Building  
Office of the Clerk  
80 North Huguenot Avenue  
Orlando, Florida 32801  
407-835-4200  
www.flmd.uscourts.gov

04 12631 RCL

Sheryl L. Loesch  
Clerk

Laura Barsamian  
Orlando/Ocala Division Manager

December 6, 2004

**SUPER VISION INTERNATIONAL, INC.,  
Plaintiff,**

**-vs-**

**Case No. 6:04-cv-313-Orl-31JGG**

**COLOR KINETICS INCORPORATED,  
Defendant.**

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**TRANSMITTAL OF RECORD TO ANOTHER DISTRICT**

The above-referenced case has been transferred to your District pursuant to an Order signed by United States District Judge Gregory A. Presnell on December 3, 2004.

Enclosed is the entire record, certified copy of the docket sheet and an extra copy of this letter. It is requested that you date stamp the copy, complete the portion below, and return it in the envelope provided.

SHERYL L. LOESCH, CLERK

By: s/J. McClung, Deputy Clerk

Receipt of the documents described above is hereby acknowledged.

New Case Number:

04 12631 RCL

Date of Receipt:

By:

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**SUPER VISION INTERNATIONAL, INC.,  
Plaintiff,**

**-vs-**

**Case No. 6:04-cv-313-Orl-31JGG**

**COLOR KINETICS INCORPORATED,  
Defendant.**

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**ORDER**

Upon consideration of Defendant's Motion to Transfer (Doc. 20), Plaintiff's Response (Doc. 28) and Defendant's Reply (Doc. 38); and in light of the recent status report (Doc. 48), it is **ORDERED** that Defendant's Motion is GRANTED. Pursuant to 28 U.S.C. § 1404(a), the Clerk is directed to transfer this case to the United States District Court for the District of Massachusetts.

**DONE and ORDERED** in Chambers, Orlando, Florida on December 3, 2004.

  
**GREGORY A. PRESNELL  
UNITED STATES DISTRICT JUDGE**

Copies furnished to:

Counsel of Record  
Unrepresented Party

I certify the foregoing to be a true  
and correct copy of the original.

**REBECCA L. MURPHY, Clerk  
United States District Court  
Middle District of Florida**

By: 

Deputy Clerk

MIME-Version:1.0

From:cmecf\_flmd\_notification@flmd.uscourts.gov

To:cmecf\_flmd\_notices@flmd.uscourts.gov

Message-Id:<1682309@flmd.uscourts.gov>

Bcc:

Subject:Activity in Case 6:04-cv-00313-GAP-JGG Super Vision Int'l v. Color Kinetics, Inc. "Order on motion to transfer case"

Content-Type: text/plain

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U.S. District Court  
Middle District of Florida

Notice of Electronic Filing

The following transaction was entered on 12/3/2004 at 4:13 PM EST and filed on 12/3/2004

#ident 'rcsid=\\$Header: /ecf/district/server/TextBody,v 3.1 2003-04-25  
07:52:35-04 loy Exp \\$'

Case Name: Super Vision Int'l v. Color Kinetics, Inc.

Case Number: 6:04-cv-313 <https://ecf.flmd.uscourts.gov/cgi-bin/DktRpt.pl?69055>

Document Number: 49

Copy the URL address from the line below into the location bar of your Web browser to view the document:

[https://ecf.flmd.uscourts.gov/cgi-bin/show\\_case\\_doc?49,69055,,MAGIC,](https://ecf.flmd.uscourts.gov/cgi-bin/show_case_doc?49,69055,,MAGIC)

Docket Text:

ORDER granting [20] Motion to transfer case; clerk directed to transfer this case to the District Court for the District of Massachusetts. Signed by Judge Gregory A. Presnell on 12/3/2004. (TKW, )

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp\_ID=1069447731 [Date=12/3/2004] [FileNumber=1682308-0]  
[2c61bdc0986c40348615b8a3c084d55a39eb1f3817bcae704cb6743ca6d44da33b907dlead453c3  
a51a79ea471b4a3534ad3ec3c8dfd7db0b8c98359739d37d8]]

6:04-cv-313 Notice will be electronically mailed to:  
J. Wayne Crosby [jwc@brickstreetlaw.com](mailto:jwc@brickstreetlaw.com),

Paul E. DeHart [ped@litchris.com](mailto:ped@litchris.com), [dlv@litchris.com](mailto:dlv@litchris.com); [fedcts@litchris.com](mailto:fedcts@litchris.com).

Hal K. Litchford [hkl@litchris.com](mailto:hkl@litchris.com), [crh@litchris.com](mailto:crh@litchris.com); [fedcts@litchris.com](mailto:fedcts@litchris.com)

Aaron W. Moore [amoore@ll-a.com](mailto:amoore@ll-a.com),

6:04-cv-313 Notice will be delivered by other means to:  
Matthew B. Lowrie  
Lowrie, Lando & Anastasi, LLP  
Riverfront Office Park  
One Main St., 11th Floor  
Cambridge, MA 02142

JGG, CLOSED

**U.S. District Court  
Middle District of Florida (Orlando)  
CIVIL DOCKET FOR CASE #: 6:04-cv-00313-GAP-JGG  
Internal Use Only**

Super Vision Int'l v. Color Kinetics, Inc.  
Assigned to: Judge Gregory A. Presnell  
Referred to: Magistrate Judge James G. Glazebrook  
Demand: \$10500000  
Cause: 35:271 Patent Infringement

Date Filed: 03/05/2004  
Jury Demand: Both  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

**Plaintiff**  
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**Super Vision International, Inc.**

represented by **J. Wayne Crosby**  
J. Wayne Crosby P.A.  
220 N. Palmetto Ave.  
Suite 200  
Orlando, FL 32801  
407/423-9700  
Fax: 407/423-9730  
Email: jwc@brickstreetlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**  
-----

**Color Kinetics Incorporated**

represented by **Aaron W. Moore**  
Lowrie, Lando & Anastasi, LLP  
Riverfront Office Park  
One Main St., 11th Floor  
Cambridge, MA 02142  
617/395-7000  
Email: amoores@11-a.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Hal K. Litchford**  
Litchford & Christopher, P.A.  
390 N. Orange Ave., Suite 2200  
P.O. Box 1549  
Orlando, FL 32802  
407/422-6600

Fax: 407/841-0385  
Email: hkl@litchris.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew B. Lowrie**  
Lowrie, Lando & Anastasi, LLP  
Riverfront Office Park  
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Cambridge, MA 02142  
617/395-7000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul E. DeHart, III**  
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P.O. Box 1549  
Orlando, FL 32802  
407/422-6600  
Fax: 407/841-0325  
Email: ped@litchris.com  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

-----  
**Color Kinetics Incorporated**

represented by **Hal K. Litchford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Aaron W. Moore**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

-----  
**Super Vision International, Inc.**

represented by **J. Wayne Crosby**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Date Filed**

**#**

**Docket Text**

03/05/2004	<u>1</u>	COMPLAINT for patent infringement filed; jury demand. Filing fee \$150.00 Receipt #14508 (jrm) (Entered: 03/05/2004)
03/05/2004		MAGISTRATE JUDGE CASE ASSIGNMENT Magistrate assigned: James G. Glazebrook (jrm) (Entered: 03/05/2004)
03/05/2004		SUMMONS issued for Color Kinetics, Inc. (jrm) (Entered: 03/05/2004)
03/08/2004	<u>2</u>	RELATED CASE ORDER, response due within eleven days, and NOTICE of designation under Local Rule 3.05 - TRACK 2. (ctc) (ajd) (Entered: 03/08/2004)
03/08/2004	<u>3</u>	INTERESTED PERSONS ORDER response due within eleven days ( Signed by Sr. Judge G. Kendall Sharp ) ctc (ajd) (Entered: 03/08/2004)
03/17/2004	<u>4</u>	ORDER The Clerk is directed to reassign this case to another District Judge for all further proceedings. ( Signed by Sr. Judge G. Kendall Sharp ) ctc (cbh) (Entered: 03/17/2004)
03/17/2004	<u>5</u>	NOTICE OF CASE REASSIGNMENT to the Honorable Judge Gregory A. Presnell. ctc (cbh) (Entered: 03/17/2004)
03/25/2004	<u>6</u>	NOTICE (related case) by Super Vision Int'l of pendency of other actions re: order of compliance to local rule (see explanation on document) (jet) (Entered: 03/25/2004)
03/25/2004	<u>7</u>	CERTIFICATE OF INTERESTED PERSONS and Corporate Disclosure Statement by Super Vision Int'l Re: [3-1] order (jet) (Entered: 03/25/2004)
03/25/2004	<u>8</u>	AGREED MOTION by Color Kinetics, Inc. to extend time to answer or otherwise plead until 4/9/04 (agreed) ; referred to Magistrate Judge James G. Glazebrook (jet) (Entered: 03/25/2004)
03/29/2004	<u>9</u>	INTERESTED PERSONS ORDER for Defendant Color Kinetics Inc. (Response due in 11 days) ( Signed by Judge Gregory A. Presnell ) ctc (akj) (Entered: 03/29/2004)
04/01/2004	<u>10</u>	ORDER granting [8-1] defendant's motion to extend time to answer or otherwise plead until 4/9/04; set answer due for 4/9/04 for Color Kinetics, Inc. (Signed by Magistrate Judge James G. Glazebrook) ctc (jrm) (Entered: 04/02/2004)
04/09/2004	<u>11</u>	MOTION by defendant Color Kinetics, Inc. for Aaron W. Moore to appear pro hac vice with Hal K. Litchford designated as local counsel

; referred to Magistrate Judge James G. Glazebrook (jrm) (Entered: 04/12/2004)

04/09/2004	<u>12</u>	MOTION by defendant Color Kinetics, Inc. for Matthew B. Lowrie to appear pro hac vice with Hal K. Litchford designated as local counsel ; referred to Magistrate Judge James G. Glazebrook (jrm) (Entered: 04/12/2004)
04/09/2004	<u>13</u>	ANSWER and affirmative defenses to complaint; jury demand and COUNTERCLAIM by defendant Color Kinetics, Inc. against plaintiff Super Vision Int'l (jrm) (Entered: 04/12/2004)
04/20/2004	<u>14</u>	ORDER TO SHOW CAUSE why sanctions should not be imposed for failure to respond to the Interested Persons Order. Response due on 5/6/04 for Color Kinetics, Inc. (Signed by Judge Gregory A. Presnell) etc (jrm) (Entered: 04/20/2004)
04/21/2004		**ADDED for defendant Color Kinetics, Inc. attorneys Matthew B. Lowrie, Aaron W. Moore (jrm) (Entered: 04/21/2004)
04/21/2004	<u>15</u>	ORDER granting [12-1] defendant's motion for Matthew B. Lowrie to appear pro hac vice with Hal K. Litchford designated as local counsel (Signed by Magistrate Judge James G. Glazebrook 04-20-04) etc (jrm) (Entered: 04/21/2004)
04/21/2004	<u>16</u>	ORDER granting [11-1] defendant's motion for Aaron W. Moore to appear pro hac vice with Hal K. Litchford designated as local counsel (Signed by Magistrate Judge James G. Glazebrook 04-20-04) etc (jrm) (Entered: 04/21/2004)
04/29/2004	<u>17</u>	RESPONSE to show cause order filed by defendant Color Kinetics, Inc. (jrm) (Entered: 04/29/2004)
04/29/2004	<u>18</u>	CERTIFICATE OF INTERESTED PERSONS by defendant Color Kinetics, Inc. and corporate disclosure statement Re: [9-1] order (jrm) (Entered: 04/29/2004)
04/30/2004	<u>19</u>	REPLY by plaintiff Super Vision Int'l to [13-2] defendant's counterclaim (jrm) (Entered: 04/30/2004)
06/16/2004	<u>20</u>	MOTION by defendant Color Kinetics, Inc. to transfer venue to the District of Massachusetts (jrm) (Entered: 06/16/2004)
06/16/2004	<u>21</u>	MEMORANDUM by defendant Color Kinetics, Inc. in support of [20-1] motion to transfer venue to the District of Massachusetts (jrm) (Entered: 06/16/2004)
06/16/2004	<u>22</u>	DECLARATION of Aaron W. Moore with attached exhibits by

defendant Color Kinetics, Inc. re: [20-1] motion to transfer venue to the District of Massachusetts (jrm) (Entered: 06/16/2004)

06/22/2004

23

ORDER TO SHOW CAUSE why this case should not be dismissed for lack of prosecution due to the non-filing of a case management report. Response due within 11 days for plaintiff Super Vision Int'l (Signed by Judge Gregory A. Presnell) etc (jrm) (Entered: 06/23/2004)

06/30/2004

24

UNOPPOSED MOTION by plaintiff Super Vision Int'l to extend time until 07-07-04 to respond to defendant's motion to transfer venue to the District of Massachusetts ; referred to Magistrate Judge James G. Glazebrook (jrm) (Entered: 06/30/2004)

07/02/2004

25

RESPONSE to show cause order filed by plaintiff Super Vision Int'l (jrm) (Entered: 07/02/2004)

07/02/2004

25

...MOTION by plaintiff Super Vision Int'l to extend time until 07-09-04 to file a case management report (jrm) (Entered: 07/02/2004)

07/06/2004

26

ORDER granting [24-1] plaintiff's motion to extend time until 07-07-04 to respond to defendant's motion to transfer venue to the District of Massachusetts; response to motion set to 7/7/04 for [20-1] motion to transfer venue to the District of Massachusetts (Signed by Magistrate Judge James G. Glazebrook) etc (jrm) (Entered: 07/07/2004)

07/07/2004

27

UNOPPOSED MOTION by plaintiff Super Vision Int'l to extend time until 07-09-04 to respond to defendant's motion to transfer venue to the District of Massachusetts ; referred to Magistrate Judge James G. Glazebrook (jrm) (Entered: 07/08/2004)

07/09/2004

28

RESPONSE and memorandum in opposition with attached exhibits re 20 Motion to transfer venue to the District of Massachusetts filed by plaintiff Super Vision International, Inc. (JRM) (Entered: 07/12/2004)

07/09/2004

29

Consented to MOTION for Extension of Time until 07-16-04 to file a case management report by plaintiff Super Vision International, Inc. (JRM) (Entered: 07/12/2004)

07/12/2004

30

ORDER granting 27 Motion to extend time nunc pro tunc. Signed by Judge James G. Glazebrook on 7/12/2004. (Glazebrook, James) (Entered: 07/12/2004)

07/13/2004

COPIES mailed (JRM) (Entered: 07/14/2004)

07/16/2004

31

ORDER. Defendant is requested to file a Reply (10p limit) to



Plaintiff's Response (doc #28) to Defendant's motion to transfer venue by July 26, 2004. Signed by Judge Gregory A. Presnell on 7/16/2004. (Presnell, Gregory) (Entered: 07/16/2004)

07/16/2004 32 CASE MANAGEMENT REPORT. (Litchford, Hal) (Entered: 07/16/2004)

07/19/2004 COPIES mailed to Counsel: J. Wayne Crosby, Matthew B. Lowrie, Aaron W. Moore re [31] Order (JRM) (Entered: 07/19/2004)

07/19/2004 33 CASE MANAGEMENT AND SCHEDULING ORDER:. Signed by Judge Gregory A. Presnell on 7/19/2004. (TKW, ) (Entered: 07/19/2004)

07/19/2004 34 CASE REFERRED to mediation; deadline 06-30-05. Parties to jointly select a mediator within 11 days. \*\*\*Set flags. Set scheduling order deadlines: Final Pretrial Conference set for 2/13/2006 04:00 PM in Courtroom 3 before Judge Gregory A. Presnell. Amended Pleadings due by 8/31/2004. Discovery due by 5/30/2005. Joinder of Parties due by 8/31/2004. Jury Trial set for 3/1/2006 09:00 AM in Courtroom 3 before Judge Gregory A. Presnell. Dispositive motions due by 7/29/2005. Pretrial statement due by 1/16/2006. (JRM) (Entered: 07/20/2004)

07/20/2004 COPIES mailed to Counsel: J. Wayne Crosby, Matthew B. Lowrie, Aaron W. Moore re 33 Case management and scheduling order (JRM) (Entered: 07/20/2004)

07/21/2004 35 ORDER granting nunc pro tunc 25 Motion to extend time, granting nunc pro tunc 29 Motion for Extension of Time to File. Signed by Judge James G. Glazebrook on 7/21/2004. (Glazebrook, James) (Entered: 07/21/2004)

07/22/2004 COPIES mailed to Counsel: J. Wayne Crosby, Matthew B. Lowrie re [35] Order on motion to extend time, Order on Motion for Extension of Time to File (JRM) (Entered: 07/22/2004)

07/26/2004 36 UNOPPOSED MOTION for leave to file excess pages to reply brief by Color Kinetics Incorporated. (Attachments: # 1 Exhibit Reply # 2 Exhibit Opposition)(Litchford, Hal) Modified on 7/27/2004 (JRM). (Entered: 07/26/2004)

07/27/2004 37 ORDER granting 36 Motion for Leave to File Excess Pages . Signed by Judge Gregory A. Presnell on 7/27/2004. (Presnell, Gregory) (Entered: 07/27/2004)

07/27/2004 38 REPLY to response to motion re 20 Motion to transfer case filed by Color Kinetics Incorporated. (Attachments: # 1 Exhibit)(Litchford,

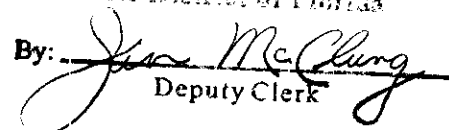
		Hal) (Entered: 07/27/2004)
07/28/2004		COPIES mailed to Counsel: J. Wayne Crosby, Matthew B. Lowrie re [37] Order on Motion for Leave to File Excess Pages (JRM) (Entered: 07/28/2004)
07/30/2004	39	STIPULATION of Selection of Mediator Jay Cohen by Color Kinetics Incorporated, Super Vision International, Inc. (Crosby, J.) Modified on 8/2/2004 (JRM). (Entered: 07/30/2004)
08/06/2004	40	NOTICE of Hearing: Motion to Transfer Venue (Doc. No. 20) Hearing set for 8/25/2004 03:00 PM in Courtroom 3 before Judge Gregory A. Presnell. ctc(AKJ) (Entered: 08/06/2004)
08/19/2004	41	Joint MOTION to continue or Reschedule Hearing by Color Kinetics Incorporated, Super Vision International, Inc.. (DeHart, Paul) (Entered: 08/19/2004)
08/19/2004	42	Joint MOTION to amend/correct 32 Case Management Report to Correct Scrivner's Error by Color Kinetics Incorporated. (DeHart, Paul) (Entered: 08/19/2004)
08/20/2004	43	ORDER granting 42 motion to amend/correct . Signed by Judge Gregory A. Presnell on 8/20/2004. (Presnell, Gregory) (Entered: 08/20/2004)
08/20/2004		COPIES mailed to Counsel: Matthew B. Lowrie re [43] Order on motion to amend/correct (JRM) (Entered: 08/20/2004)
08/23/2004	44	ORDER granting 41 Motion to continue hearing; amended notice of hearing rescheduling hearing on 20 motion to transfer venue for Wednesday, September 8, 2004 at 10:00 a.m.. Signed by Judge Gregory A. Presnell on 8/23/2004. (TKW, ) (Entered: 08/23/2004)
08/23/2004		Set deadline as to 20 Motion to transfer case. Motion Hearing set for 9/8/2004 10:00 AM in Courtroom 3 before Judge Gregory A. Presnell. (JRM) (Entered: 08/24/2004)
09/02/2004	45	Amended NOTICE of Hearing: Motion to Transfer Venue 20 Hearing set for 9/16/2004 01:30 PM in Courtroom 3 before Judge Gregory A. Presnell; previously scheduled for Wed., 9/8/04 at 10:00 a.m. (TKW, ) (Entered: 09/02/2004)
09/08/2004		COPIES mailed to Counsel: Matthew B. Lowrie re 45 Notice of Hearing (JRM) (Entered: 09/08/2004)
09/14/2004	46	Joint MOTION to continue Hearing by Color Kinetics Incorporated. (Attachments: # 1 Exhibit A)(Litchford, Hal) (Entered: 09/14/2004)

09/14/2004	<u>47</u>	ORDER granting <u>46</u> Motion to continue hearing. The court will consider whether to re set this hearing after it is informed of the decision of the Mass District Court regarding Super Vision's Motion to Vacate Order Allowing Plaintiff to File a Second Amended Complaint in Case # 02 cv 11137. Signed by Judge Gregory A. Presnell on 9/14/2004. (Presnell, Gregory) (Entered: 09/14/2004)
09/15/2004		COPIES mailed to Counsel: Matthew B. Lowrie re [47] Order on motion to continue, (JET) (Entered: 09/15/2004)
09/15/2004		***Deadlines terminated (hearing for 9/16/04 canceled per Order #47). (JET) (Entered: 09/15/2004)
12/02/2004	<u>48</u>	STATUS REPORT by Color Kinetics Incorporated. (Litchford, Hal) (Entered: 12/02/2004)
12/03/2004	<u>49</u>	ORDER granting <u>20</u> Motion to transfer case; clerk directed to transfer this case to the District Court for the District of Massachusetts. Signed by Judge Gregory A. Presnell on 12/3/2004. (TKW, ) (Entered: 12/03/2004)
12/03/2004	<u>50</u>	TRANSFER to the District of Massachusetts with entire record and certified copy of docket sheet. (JRM) (Entered: 12/06/2004)
12/06/2004		COPIES mailed to Counsel: Matthew B. Lowrie re <u>49</u> Order on motion to transfer case. ***Set/clear flags (JRM) (Entered: 12/06/2004)

I certify the foregoing to be a true  
and correct copy of the original.

REBEKAH L. LORACCI, Clerk  
United States District Court  
Middle District of Florida

By:

  
Deputy Clerk

JS-44 (Rev. 3/99)

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS****SUPER VISION INTERNATIONAL, INC.**

(b) County of Residence of First Listed Orange, Florida  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
**J. Wayne Crosby, Esq., Trial Counsel**  
**J. Wayne Crosby, P.A.**  
**Suite 200, 220 North Palmetto Avenue**  
**Orlando, Florida 32801**  
**Telephone: 407-423-9700**

**DEFENDANTS****COLOR KINETICS INCORPORATED**

County of Residence of First Listed \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known)

**II. BASIS OF JURISDICTION**

(Place an "X" in One Box Only)

- G 1** U.S. Government Plaintiff ☒ **3** Federal Question (U.S. Government Not a Party)
- G 2** U.S. Government Defendant ☐ **4** Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |            |            |   |            |            |
|------------|------------|---|------------|------------|
| <b>Plt</b> | <b>Def</b> |   | <b>Plt</b> | <b>Def</b> |
| <b>G 1</b> | <b>G 1</b> | Incorporated or Principal of Business In This State     | <b>G 4</b> | <b>G 4</b> |
| <b>G 2</b> | <b>G 2</b> | Incorporated and Principal of Business In Another State | <b>G 5</b> | <b>G 5</b> |
| <b>G 3</b> | <b>G 3</b> | Foreign Nation  | <b>G 6</b> | <b>G 6</b> |

**IV. NATURE OF SUIT**

(Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<b>G 110</b> Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>G 610</b> Agriculture	<b>G 422</b> Appeal 28 USC 158	<b>G 400</b> State Reapportionment
<b>G 120</b> Marine	<b>G 310</b> Airplane	<b>G 362</b> Personal Injury	<b>G 620</b> Other Food & Drug	<b>G 423</b> Withdrawal 28 USC 157	<b>G 410</b> Antitrust
<b>G 130</b> Miller Act	<b>G 315</b> Airplane Product Liability	<b>G 365</b> Personal Injury Product Liability	<b>G 625</b> Drug Related Seizure of Property 21 USC	<b>G 430</b> Banks and Banking	<b>G 450</b> Commerce ICC Rates etc
<b>G 140</b> Negotiable Instrument	<b>G 320</b> Assault, Libel & Slander	<b>G 368</b> Asbestos Personal Injury Product Liability	<b>G 630</b> Liquor Laws	<b>G 460</b> Deportation	<b>G 470</b> Racketeer Influenced and Corrupt Organizations
<b>G 150</b> Recovery of Overpayment & Enforcement of Judgment	<b>G 330</b> Federal Employers' Liability	<b>PERSONAL PROPERTY</b>	<b>G 640</b> R.R. & Truck	<b>G 820</b> Copyrights	<b>G 810</b> Selective Service
<b>G 151</b> Medicare Act	<b>G 340</b> Marine	<b>G 370</b> Other Fraud	<b>G 650</b> Airline Regs.	<b>G 830</b> Patent	<b>G 850</b> Securities Commodities Exchange
<b>G 152</b> Recovery of Defaulted Student Loans (Discl. Veterans)	<b>G 345</b> Marine Product Liability	<b>G 371</b> Truth in Lending	<b>G 660</b> Occupational Safety Health	<b>G 840</b> Trademark	<b>G 875</b> Customer Challenge 12 USC 3410
<b>G 153</b> Recovery of Overpayment of Veteran's Benefits	<b>G 350</b> Motor Vehicle	<b>G 380</b> Other Personal Property Damage	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	<b>G 891</b> Agricultural Acts
<b>G 160</b> Stockholders' Suits	<b>G 355</b> Motor Vehicle Product Liability	<b>G 385</b> Property Damage	<b>G 710</b> Fair Labor Standards Act	<b>G 861</b> FICA (405(f))	<b>G 892</b> Economic Stabilization Act
<b>G 190</b> Other Contract	<b>G 360</b> Other Personal Injury		<b>G 720</b> Labor Contract Relations	<b>G 862</b> Black Lung (923)	<b>G 893</b> Environmental Matters
<b>G 195</b> Contract Product Liability			<b>G 730</b> Labor Mgmt Reprising & Disclosure Act	<b>G 863</b> DIWC DIWW (405(g))	<b>G 894</b> Energy Allocation Act
			<b>G 740</b> Railway Labor Act	<b>G 864</b> SSID Title XVI	<b>G 895</b> Freedom of Information Act
			<b>G 790</b> Other Labor Legislation	<b>G 865</b> RSI (405(g))	<b>G 900</b> Appeal of Fee Determination Under Equal Access to Justice
			<b>G 791</b> Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b>	<b>G 950</b> Constitutionality of State Statutes
				<b>G 870</b> Taxes (U.S. Plaintiff or Defendant)	<b>G 890</b> Other Statutory Actions
				<b>G 871</b> IRS Third Party 26 USC 7609	

**V. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ **1** Original Proceeding **G 2** Removed from State Court **G 3** Remanded from Appellate Court **G 4** Reinstated or Reopened **G 5** Transferred from another district (specify) **G 6** Multidistrict Litigation **G 7** Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Title 35 of the United States Code for patent infringement relating to United States Patent No. 4,962,687.

**VII. REQUESTED IN COMPLAINT:**

**G** CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND**

CHECK YES only if demanded in complaint

**VIII. RELATED CASE(S) IF ANY**

(See

instructions)

U.S. District Court for the District of Massachusetts—Color Kinetics Incorporated V. Super Vision International, Inc., Civil Action No.: 02-CV-11137-MEL

**JURY DEMAND:**☒ Yes**G No**

DATE

3-4-04

SIGNATURE OF ATTORNEY OF RECORD

J. Wayne Crosby